Remarks/Arguments:

In response to the Office Action dated September 30, 2005, the applicant offers the following remarks. Claims 1-20 are pending; claims 21-28 have been added. The single, pending, original independent claim 1 has been substantively amended. Support for the amendments made to the independent claim is found, for example, in the originally filed claims 1 and 4.

The Office Action rejected independent claim 1 (as well as dependent claims 2, 3, 5, and 6) under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,058,374 issued to Guthrie et al. Dependent claims 4 and 7-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Guthrie et al. patent. Finally, the Office Action objected to the specification based on certain informalities which have been corrected in the substitute specification.

A. Claim 1 Recites Patentable Subject Matter

The present invention is directed to a communications architecture for a security network, which includes base units and transponders, using low power and high power wireless communications. The transponder transmits communications to at least one of the base units using low power wireless communications, defined as under 10 milliwatts, typically in a frequency band that includes 345 MHz. These low power communications are transmitted within the parameters allowed by FCC rule 47 C.F.R. § 15.231 or equivalent. The base units communicate with each other using high power wireless communications, defined as 10 milliwatts or more, typically in a frequency band that includes 2.4 GHz. These high power communications are transmitted within the parameters allowed by FCC rule 47 C.F.R. § 15.247 or equivalent. Among other advantages, these characteristics of the communications architecture allow the transponders to be smaller and less expensive than the base units. *See, e.g.*, specification at page 9, lines 8-9.

As amended, claim 1 recites:

> A communications architecture for a security network containing at least a first and a second base unit and a first transponder, wherein the first transponder communicates to at least the first base unit using low power wireless communications transmitted at average power levels under 10 milliwatts, and the second base unit communicates with the first base unit using high power wireless communications transmitted at average power levels of 10 milliwatts or more.

(Emphasis added.) The first highlighted limitation recites low power wireless communications transmitted at average power levels under 10 milliwatts from the transponder to the first base unit. Support for this limitation is found in the specification, for example, at page 9, lines 4-8, and at page 21, lines 20-27 of the subject application.

The second highlighted limitation of claim 1 recites high powered wireless communications transmitted at average power levels of 10 milliwatts or more between the two base units. Support for this limitation is found in the specification, for example, at page 8, lines 26-29; page 14, lines 12-16; page 15, lines 15-16; and page 16, lines 8 and 23-25 of the subject application.

Two of the novel and non-obvious differences between the invention recited in claim 1 and the Guthrie et al. reference have been highlighted above. Guthrie et al. do not disclose or suggest (1) low power wireless communications transmitted at average power levels under 10 milliwatts from the transponder to the first base unit, or (2) high powered wireless communications transmitted at average power levels of 10 milliwatts or more between the two base units.

With reference to the figures of the '374 patent, Guthrie et al. disclose a random interval inventory system (1) that monitors items such as paintings in an art gallery. Sensors (such as bump sensors 12 or over-temperature sensors 14) are associated with transmitters or tags (5a1-5xx) each affixed to one of the items. The transmitters send signals at random times to a master transceiver (3) in communication with a security station (or confirmation device) such as a security console (2). The security station confirms that the item corresponding to the received information signal is present in the art

gallery and in inventory. If the master transceiver is not located within the effective transmission range of a transmitter, remote transceivers (4a-4n) function as a communication relay to enable effective indirect communication between the master transceiver and the transmitter.

Each of the transmitters operates in two operating modes. The "confidence" mode is the first operating mode during which regular inventory is taken of the items. In this mode, the transmitters communicate RF energy at a fixed frequency of, for example, 2.4 GHz to one of the remote transceivers at random time intervals and using direct sequence spread spectrum for transmitting signals. *See* '374 Patent at column 6, lines 21-35 and 65-67. The "panic" mode is the second operating mode and is triggered when a sensor detects the movement of a painting or when a user activates a panic button. The user specifies an approximate average frequency (e.g., every 1 second or every 15 seconds) for notification once the sensor detects a specified event (such as movement of a painting). *See id.* at column 9, lines 33-61. In one embodiment, the transmitters have a 25 dBm amplifier to accommodate a larger battery and have even higher transmit power. *Id.* at column 10, lines 16-24. Guthrie et al. further specify the operating parameters of the transceivers:

> It is desirable to have the RX/TX tags 5a1-5xx operate at a fixed frequency. For example, FIG. 4b illustrates a preferable approximate frequency (i.e., 2.414 GHz) of an RX tag local oscillator. FIG. 4b also shows possible receive band schemes for the RX/TX tag embodiment of the invention, including an ISM band for low power receive applications, and a higher-frequency licensed band for higher power applications.

Id. from column 15, line 66 to column 16, line 6. Thus, the lower-power and lower-frequency operation of 2.4 GHz (and up) taught by Guthrie et al. for transmitter communications is the higher-power and higher-frequency operation recited for the bases of the claimed invention. Guthrie et al. fail to disclose or suggest and, in fact, teach away from the lower-power and lower-frequency operation, defined as transmitted average power levels under 10 milliwatts in a frequency band that includes 345 MHz as allowed by FCC rule 47 C.F.R. § 15.231 or equivalent, for the transponders of the claimed invention.

To further support this important point, FCC rule 47 C.F.R. § 15.231 does not permit transmissions as quickly as the approximate average frequency of every 1 second or every 15 seconds taught by Guthrie et al. Rather, Rule 15.231 mandates communications in short bursts on the order of once per hour, such bursts limited in both duration and power. *See* Specification at page 3, lines 6-9. In still further support of the point, the transmitters taught by Guthrie et al. to have a 25 dBm amplifier will operate at power levels of more than 200 milliwatts, an even higher transmit power than the minimum "low power" taught by Guthrie et al. Thus, it appears that the transmitters of Guthrie et al. send signals under FCC rule 47 C.F.R. § 15.247 (low power per Guthrie et al. but high power as defined by the applicant).

Most development and applications for RFID technology have been targeted at moveable items--things, people, animals, vehicles, merchandise, etc. that must be tracked or counted. In each of the applications, the low-cost RFID transponder or tag is affixed to the moveable object. This is precisely the application to which the Guthrie et al. disclosure is directed. An object of the applicant's claimed invention is to provide a "lower cost" security system. *See, e.g.*, Specification at page 4, lines 3-5. Another object is to provide a "highly reliable" security system with reliability exceeding that of existing wireless security systems. *Id.* at page 4, lines 7-10. The two, highlighted limitations of the invention recited in claim 1 help to achieve those objects.

The advantages of the subject matter of claim 1 are not attained or suggested by the Guthrie et al. reference. This is because claim 1 contains at least two features (highlighted above) not taught or suggested by the applied reference. As explained by Judge Rich in *In re Civitello*, 144 USPQ 10, 12 (CCPA 1964), when a claimed feature is not disclosed by the reference, the reference cannot render the claim obvious:

> Since Haslacher fails to disclose the feature of the claim relied on, we do not agree with the patent office that it would suggest modifying the Craig bag to contain the feature. The Patent Office finds the suggestion, only after making a modification which is not suggested, as we see it, by anything other than appellant's own disclosure. This is hindsight reconstruction. It does not establish obviousness. (Emphasis in original.)

Thus, the applicant does not agree with the Examiner that the Guthrie et al. reference supports a prima facie case of obviousness.

In fact, the totality of the Guthrie et al. disclosure teaches away from the claimed invention. The teaching is to be viewed as it would have been viewed by one of ordinary skill in the art. When so viewed, the Guthrie et al. reference teaches away from (1) low power wireless communications transmitted at average power levels under 10 milliwatts from the transponder to the first base unit, in combination with (2) high powered wireless communications transmitted at average power levels of 10 milliwatts or more between the two base units. The applicant has proceeded contrary to the teaching of Guthrie et al.

B. New Claims 21-28

New, independent claims 21 and 22 have been added to secure enhanced protection for the applicant's invention. These claims combine limitations recited in claim 1, as amended, and in one or more of the claims that depend from claim 1. Dependent claims 23-28 parallel original claims 10-15. Therefore, the subject matter recited in claims 21-28 is fully supported by the specification. No new matter has been introduced.

C. Dependent Claims 2-20

Because claims 2-20 depend from a patentable claim, they are also patentable. See, e.g., In re McCarn, 101 USPQ 411, 413 (CCPA 1954) ("sound law" requires allowance of dependent claims when their antecedent claims are allowed). Moreover, claims 2-20 are non-obvious in view of the applied reference.

D. Related Applications

The applicant wishes to bring to the attention of the Examiner two related patent applications, each of which was filed by the applicant after the filing date of the subject application. U.S. Patent Application Ser. No. 10/820,804, Configuration Program for a Security System, was filed on April 9, 2004, and U.S. Patent Application Ser. No. 10/821,938, Cordless Telephone System, was filed on April 12, 2004. Each of these two applications was filed as a continuation-in-part of U.S. Patent Application Ser. No. 10/795,368—the same parent application from which the subject continuation-in-part application claims the benefit of priority.

E. Conclusion

By this Response, pending claims 1-15 and 20 have been amended and new claims 21-28 have been added to place the application in better condition for examination and allowance. The applicant has also amended the specification to further prosecution of the subject application without introducing new matter. Entry of this Response is requested.

For all of the foregoing reasons, amended claim 1 is in condition for allowance. The subject matter recited in claim 1 was not anticipated by, nor would it have been obvious to a person of ordinary skill in the art at the time of the invention in view of, the applied reference. Moreover, the subject matter recited in claims 2-28 is patentable over the applied reference.

The rejections to the claims under 35 U.S.C. §§ 102(b) and 103(a) and the objection to the specification should be withdrawn. Favorable action is earnestly solicited. Finally, the Examiner is invited to call the applicant's undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicant respectfully requests the constructive assistance and suggestions of

the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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KRC/lk/kak

Dated: December 29, 2005

Enclosures: Substitute Specification (Showing Revisions);
Substitute Specification (Revisions Accepted)

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